

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SPACE EXPLORATION TECHNOLOGIES CORP. :

Plaintiff and Counter-defendant, :

-v- :

D.T. GRUELLE COMPANY GROUP, L.L.C., :

Defendant and Counterclaimant. :

1:12-cv 07510 (PAE)(KNF)

D.T. GRUELLE'S
NOTICE OF MOTION
TO DISMISS FIRST
AMENDED COMPLAINT

-----X

PLEASE TAKE NOTICE that Defendant and Counterclaimant D. T. Gruelle Company Group, L.L.C. (hereinafter "DTG", "Defendant" or "Counterclaimant") upon the accompanying Memorandum of Law in Support of its Motion to Dismiss will move, by and through their undersigned counsel, before the Honorable Paul A. Engelmayer, United States District Judge at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1305, New York, New York 10007, on such day and at such time designated by the Court, for an Order under Fed. R. Civ. P. 12(b)(6) and 9(b), dismissing with prejudice all claims asserted in the First Amended Complaint against Defendant.

Dated: May 2, 2013
New York, New York

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Daniel P. Jaffe

Daniel P. Jaffe
60 East 42nd Street, Suite 4600
New York, NY 10165
Telephone: (212) 485-9805
Facsimile: (314) 480-1505
Dan.Jaffe@huschblackwell.com

Carlos Rodriguez (*pro hac vice* forthcoming)
HUSCH BLACKWELL LLP
750 17th Street N.W.
Suite 900
Washington, D.C. 20006
Telephone: (202) 378-2300
Fax: (202) 378-2319
Carlos.rodriquez@huschblackwell.com

*Attorneys for Defendant D.T. Gruelle Company
Group, L.L.C.*

CERTIFICATE OF SERVICE

I hereby certify that on May 2,, 2013, I electronically mailed a true and correct copy of the foregoing D.T. Gruelle's Notice of Motion to Dismiss First Amended Complaint to Douglas P. Lobel and Marybeth Shreiner, Cooley LLP, 11951 Freedom Drive, Reston, Virginia 20190, and Jason Koral, 1114 Avenue of the Americas, New York, New York 10036, attorneys for Plaintiff and Counter-defendant.

/s/ Daniel P. Jaffe